## REMARKS/ARGUMENTS

Claims 1-10 are pending. Claims 5 and 7 have been withdrawn pending allowance of a generic claim. As set forth more fully below, reconsideration and withdrawal of the Examiner's rejections of the claims are respectfully requested.

Species Election:

The Examiner has imposed a species election under 35 U.S.C. § 121 between embodiments of the current invention shown in Figures 1a, 1b, 2a, 2b and 2c and embodiments of the invention shown in Figures 1c, 1d, 1e, 1f, 3a, 3b and 3c. Applicant affirms the election of the embodiments shown in Figures 1a, 1b, 2a, 2b and 2c. Currently, generic claims 1-3 and 8-10 read on the embodiments shown in Figures 1a, 1b, 2a, 2b and 2c. Additionally claims 4 and 6 are currently directed to the specific embodiments shown in Figures 1a, 1b, 2a, 2b and 2c.

Double Patenting

The Examiner has rejected Claims 1-4, 6 and 8 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-6 of U.S. Patent No. 6,698,169. Included with this Response is a terminal disclaimer over U.S. Patent No. 6,698,169 fully complying with 37 CFR § 3.73(b). In light of this terminal disclaimer, the rejection based on double patenting is moot and Applicant requests that the Examiner's rejection based on the judicially-created doctrine of obviousness-type double patenting be withdrawn.

Rejections Under 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected Claims 1-4, 6 and 8-10 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The Examiner notes that Claim 2 reiterates limitations set forth in Claim 1 from which it depends. Applicant has amended Claim 2 to stand as an independent claim that does not depend from Claim 1. Applicant therefore submits that Claim 2 is sufficiently definite to meet the requirements of 35 U.S.C. § 112, second paragraph.

Claim Rejections Under 35 U.S.C. § 102

The Examiner has rejected Claims 1-4, 6 and 8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,321,653 (hereinafter "Luttinger"). The Examiner states that Luttinger teaches a safety stirrup wherein vertically upward movement of the rider's foot out of the normal use position causes one or more mountings to release the foot support member sufficiently that the foot support member can move in the same direction as the rider's foot.

But the configuration taught by Luttinger includes a projection or lug (16) engaging a receptacle or keeper (9) such that the user is required to push in a downwardly vertical direction to disengage lug (16) from its keeper (9) in order to disengage the foot supporting member (14) from the U-shaped engaging sleeve of the stirrup (6). This is in direct contrast to the configuration of the present claims that require upwardly vertical movement of the user's foot to disengage the foot support member from the U-shaped mounting member. Thus, the safety stirrup of Luttinger will not allow disconnection of the foot support member (14) from the from the U-shaped mounting member (6) following vertically upward movement of the user's foot, as required by all of the presently-pending claims. Applicant therefore requests that the Examiner's rejection under 35 U.S.C. § 102(b) be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

The Examiner has rejected Claim 9 under 35 U.S.C. § 103(a) as being obvious over Luttinger in view of U.S. Patent No. 1,052,327 (hereinafter "Eddleman"). The Examiner states that Eddleman teaches a safety stirrup employing a biasing means and that it would have been obvious to combine the biasing means of Eddleman with the safety stirrup of Luttinger to arrive at the currently claimed safety stirrup. However, as noted above, Luttinger does not teach all of the limitations of the current invention and thus, regardless of the addition of the biasing means of Eddleman, the combination of Luttinger and Eddleman does not teach a safety stirrup configuration wherein vertically upward movement of the rider's foot causes release of the foot support from the U-shaped mounting member.

The Examiner has rejected Claim 10 under 35 U.S.C. § 103(a) as being obvious over Luttinger. The Examiner argues that it would have been obvious to form the safety stirrup configuration of Luttinger from a non-metallic material. However, as noted above, Luttinger does not teach all of the limitations of the currently-claimed invention and thus, regardless of the material used to compose the Luttinger apparatus, Luttinger does not teach the safety stirrup configuration of Claim 1, from which Claim 10 depends.

Therefore, Applicant submits that the Luttinger reference, alone or in combination with Eddleman, does not teach or suggest all of the limitations of Claims 9 or 10 and request that the rejections under 35 U.S.C. § 103(a) be withdrawn.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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